

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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	:	
KATHLEEN STEPHENS, et al.,	:	
	:	
Plaintiffs,	:	
	:	18-CV-07439-RJD-CLP
v.	:	("Stephens")
	:	
HSBC HOLDINGS PLC, et al.,	:	
	:	
Defendants.	:	
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RJD, U.S.D.J.
STIPULATION AND ~~PROPOSED~~ ORDER

Plaintiffs and the Stipulating Defendants,¹ through their respective undersigned counsel, hereby stipulate and agree as follows:

WHEREAS a Complaint was filed in the matter 14 Civ. 06601 (PKC-CLP) ("*Freeman I*") on November 10, 2014, an Amended Complaint was filed on April 2, 2015, *Freeman I* ECF No. 77, and a Second Amended Complaint was filed against the Stipulating Defendants on July 12, 2016, *Freeman I* ECF No. 110;

WHEREAS the Court entered an order staying discovery in *Freeman I* on January 16, 2015, *Freeman I* ECF No. 37;

WHEREAS the Stipulating Defendants filed a motion to dismiss the Second Amended Complaint in *Freeman I* on November 10, 2016, *Freeman I* ECF No. 120;

WHEREAS Plaintiffs filed a Complaint against the Stipulating Defendants in the above-captioned matter ("*Stephens*") on December 28, 2018;

¹ The Stipulating Defendants are HSBC Holdings plc; HSBC Bank plc; HSBC Bank Middle East Limited; HSBC Bank USA, N.A.; Barclays Bank PLC; Standard Chartered Bank; Royal Bank of Scotland N.V. (f/k/a ABN AMRO Bank N.V.); Credit Suisse AG; and Commerzbank AG.

WHEREAS the parties in this action entered into a stipulation, which provided that (1) all proceedings in *Stephens* with respect to the Stipulating Defendants, including service of the Complaint, should be stayed until 30 days after the Court's decision on the motion to dismiss in *Freeman I*; (2) upon termination of the stay, service on the Stipulating Defendants with judicial process in *Stephens* in the manner provided by Federal Rule of Civil Procedure 4 will not be required; (3) the Stipulating Defendants retain all defenses and objections in *Stephens* except those related to service; and (4) the parties would confer in good faith regarding the most fair and efficient way to proceed following the Court's decision on the motion to dismiss in *Freeman I*;

WHEREAS the Court granted the motion to dismiss the *Freeman I* Second Amended Complaint on September 16, 2019, *Freeman I* ECF No. 237;

WHEREAS Plaintiffs filed a motion for partial reconsideration on September 26, 2019, *Freeman I* ECF No. 239;

WHEREAS the Stipulating Defendants and Plaintiffs have conferred, and agree that the stay should be continued pending the Court's decision on Plaintiffs' motion for partial reconsideration in *Freeman I* and any appeal of the judgment in *Freeman I*.

IT IS HEREBY STIPULATED BY AND BETWEEN the undersigned counsel as follows:

1. The Stipulating Defendants' time to move or answer in response to the *Stephens* Complaint or any *Stephens* amended complaint, and all further proceedings in *Stephens*, will be stayed until 30 days after the latest of (1) the Court's ruling on the motion for partial reconsideration in *Freeman I* or, (2) if the Court schedules a status conference following the ruling, the date of that status conference, or, (3) if an appeal is filed in *Freeman I*, the decision of that appeal.

2. Following the latest of (1) a decision on the motion for partial reconsideration in

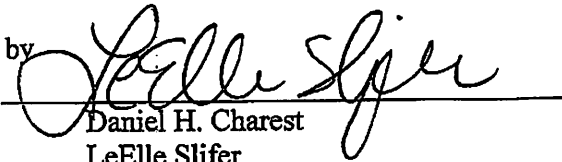
Freeman I, (2) a status conference following the ruling on the motion for partial reconsideration in *Freeman I*, or (3) a decision on an appeal of the *Freeman I* decision(s), the parties will confer in good faith regarding the most fair and efficient way to proceed in light of such ruling, with all parties' rights in this regard fully reserved.

IT IS FURTHER STIPULATED BY AND BETWEEN the undersigned counsel that, except as provided above, nothing in this Stipulation shall waive any right or defense of any party, all of which rights and defenses are expressly reserved.

Dated: October 17, 2019

BURNS CHAREST LLP

by

A handwritten signature in black ink, appearing to read "Daniel H. Charest", is written over a horizontal line.

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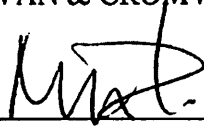
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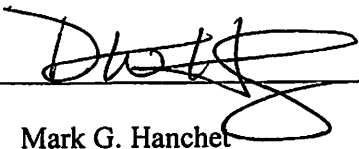
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IT IS SO ORDERED, this 18 day of October, 2019:

s/ Raymond J. Dearie


Raymond J. Dearie
United States District Court Judge

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IT IS SO ORDERED, this ____ day of _____, 2019:

Raymond J. Dearie
United States District Court Judge